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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,480	06/04/2001	Shell S. Simpson	10007666-1	5361

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EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,480

Applicant(s)

SIMPSON ET AL.

Examiner

Oanh L. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/04/2004</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 10 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, it is not clear how selected imaging data from personal imaging repository can be accessed by the email web content.

Claim 10 recites the limitation "the email server" in 16, "the recipient mail server" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the email web service" "the browser", "the email web content", "the personal imaging repository", "the mail server", and "the recipient mail server". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frigon (US 2002/0103813 A) in view of Gough et al. (Gough) (US 6,360,221 B1).

Regarding claim 10, Frigon teaches a method comprising:

requesting web content from the web service by the imaging client computer (Fig. 1 page 4 paragraph 36);

responding to the request by supplying web content to the imaging client computer by the web server (page 4 paragraph 36);

displaying and executing the web content by the imaging client computer (page 7 paragraph 72);

accessing selected imaging data from the personal imaging repository by the web content (page 5 paragraphs 48 and 50);

transferring selected imaging data along with user configuration to the server by the web content (page 7 paragraph 73).

Frigon does not explicitly teach an email web server.

Gough, in the same field of endeavor, teaches an email web server (i.e., server 10) and sending data with an email message to the recipient mail server (i.e., e-mail server 15) (col. 4 lines 1-21, col. 15 line 53-65 and col. 14 lines 56-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the email web server of Frigon in the process of sending image data in Frigon because such email web server provides an enhanced email service which increases the enjoyment and usage of email system (Gough, col. 1 lines 66-col. 2 line 1).

Regarding claim 11, Frigon-Gough determining whether the connection with the email web service is successful; and, returning an error message to the user when the connection with the email web service is not successful (Gough, Fig. 11 col. 14 lines 37-49).

Regarding claim 12, Frigon-Gough teaches accessing each imaging composition stored in the composition store to obtain a list of links for all imaging data in the personal imaging repository; retrieving the imaging data in a form that can be displayed on the browser; displaying the retrieved imaging data on the browser; and, selecting from the retrieved imaging data by the user (Frigon, page 7 paragraph 73).

Regarding claim 13, Frigon-Gough teaches selecting send from the email web content by the user (Gough, col. 5 lines 28-39).

Regarding claim 14, Frigon-Gough teaches providing destination email address by the user; selecting a send configuration for the selected imaging data by the user; providing comments for the email message by the user; and, selecting send from the email web content by the user (Gough, col. 4 line 62-col. 5 line 39 and col. 15 lines 53-65).

Regarding claim 15. Frigon-Gough requesting the selected imaging data in the desired user configuration from the imaging data store by the email web content; and, responding with the selected imaging data in the desired user configuration by the composition store (col. 15 lines 53-65).

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Regarding claim 16, Frigon-Gough teaches configuring the selected imaging data according to user selection by the email server; and, composing the email message by the email server (col. 15 lines 53-65).

Regarding claim 17, a computer program product of claim 17 has a corresponding method of claim 10; therefore, claim 17 is rejected under the same rationale as applied to claim 10.

Regarding claim 1, a system of claim 1 has a corresponding method of claim 10; therefore, claim 1 is rejected under the same rationale as applied to claim 10.

Regarding claim 2, Frigon-Gough teaches a browser provided by an imaging client computer for displaying information to the user as a function of said web content (Frigon, page 3 paragraph 32).

Regarding claim 3, Frigon-Gough teaches an extension component providing access to user information for associating said email web content to said personal imaging repository (Frigon, page 4 paragraphs 38-40).

Regarding claim 4, Frigon-Gough teaches user information is stored on the client computer (Gough, col. 11 line 59-col. 12 line 59).

Regarding claim 5, Frigon-Gough teaches personal imaging repository comprises an imaging data store for storing the imaging data and a composition store for storing imaging compositions having links to the imaging data serviced as a single unit (Frigon, page 4 paragraph 39).

Regarding claim 6, Frigon-Gough teaches said imaging data store and

said composition store are located on a single server connected to said imaging client (Frigon, Fig. 1).

Regarding claim 7, Frigon-Gough imaging data store and said composition store are located on separate servers connected to said imaging client (Frigon, page 4 paragraph 39).

Regarding claim 8, Frigon-Gough teaches imaging data store and said composition store are located on said imaging client (page 4 paragraph 39).

Regarding claim 9, Frigon-Gough teaches said email web content includes a page that displays a list of all imaging data available on said personal imaging repository for user selection (Frigon, page 5 paragraph 50).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
September 5, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER